



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

DEC 30 2010

REPLY TO THE ATTENTION OF:
AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael L. Evelhoch
CPA, VP and Controller
Harsco Minerals International, LLC
5000 Ritter Road
Suite 205
Mechanicsburg, Pennsylvania 17055

Dear Mr. Evelhoch:

This is to advise you that the U.S. Environmental Protection Agency has determined that Harsco Minerals International's facility at 101 Tidewater Road, N.E., Warren, Ohio (facility) is in violation of the Clean Air Act (CAA) and associated state or local pollution control requirements. We are today issuing to you the enclosed Notice of Violation (NOV) for these violations.

Specifically, EPA finds Harsco Minerals International, in Warren, Ohio, failed to fully comply with certain terms and conditions of Permit to Install (PTI) 02-0988. PTI 02-0988 was issued May 14, 1997 to Ogelbay Norton Engineered Materials for certain processes within the Warren, Ohio facility. The terms and conditions of PTI 02-0988 transferred to Harsco Minerals International, in accordance with Ohio Administrative Code (OAC) Rule 3745-31-02(A)(3)¹, upon its purchase of the facility in 2007. Harsco Minerals International's failure to fully comply with permit terms and conditions is a violation of the Ohio State Implementation Plan (Ohio SIP) subject to enforcement action under Section 113 of the CAA. 40 C.F.R. § 52.23.

The CAA requires EPA develop Primary and Secondary National Ambient Air Quality Standards to protect public health, welfare and the environment. The CAA requires each state develop an implementation plan describing how it intends to attain and maintain these standards. These implementation plans are reviewed and approved by EPA. The State of Ohio has developed, and EPA has approved, Ohio's State Implementation Plan (Ohio SIP). The Ohio SIP includes the following EPA approved requirements:

¹ Regulatory citations used throughout this document are to the provisions in the Ohio Administrative Code that EPA approved as part of the State Implementation Plan. In some cases, the current version of the Ohio Administrative Code revises and/or renumbers the regulations cited herein.

1) Ohio Administrative Code (OAC) Rule 3745-31-02: Permits to Install New Sources of Pollution, Requirements. 68 Federal Register (FR) 2909.

2) OAC Rule 3745-31-05: Permits to Install New Sources of Pollution, Criteria for Decision by Director. 68 FR 2909.


3) OAC Rule 3745-35-02: Permits to Operate and Variances, Permits to Operate, Terms and Conditions. 47 FR 25145.

Section 113 of the CAA gives EPA several enforcement options to resolve alleged violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action and bringing a judicial criminal action.

We are offering you the opportunity to request a conference with us about the violations alleged in the NOV. A conference should be requested within 10 days following receipt of this notice. A conference should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Kevin Vuilleumier. You may call him at 312-886-6188 if you wish to request a conference. EPA hopes that this NOV will encourage Harsco Minerals International's compliance with the requirements of the CAA.

Sincerely yours,


for Cheryl L. Newton
Director
Air and Radiation Division

cc: Ed Fasko, NEDO
Robert Hodanbosi, OEPA
Brian DiYorio, Harsco Minerals International

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Harsco Minerals International
Warren, Ohio**

Proceedings Pursuant to
the Clean Air Act
42 U.S.C. § 7401 et seq

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NOTICE OF VIOLATION

EPA-5-11-OH-05

NOTICE AND FINDING OF VIOLATION

Harsco Minerals International (you or Harsco) owns and operates a slag reclaim operation at 101 Tidewater Road N.E., in Warren, Ohio (facility). The slag reclaim operation includes processes identified as F009, F010, P002 and P003 in Permit to Install (PTI) 02-0988. PTI 02-0988 includes terms and conditions concerning emissions from the slag reclaim operation and its associated processes.

The U.S. Environmental Protection Agency is sending this Notice of Violation (NOV or Notice) to notify you that we found Harsco failed to comply with several conditions set forth in PTI 02-0988. These deficiencies constitute violations of the federally approved Ohio State Implementation Plan (Ohio SIP) and are subject to enforcement action under section 113 of the Clean Air Act (the Act or CAA).

Section 113 of the Act provides you with the opportunity to request a conference with us to discuss the violations alleged in this NOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for the facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

Explanation of Violations

1. The permits and permit conditions relevant to this NOV include:
 - a. PTI 02-0988 issued to Ogelbay Norton Engineered Materials on May 14, 1997.
 - b. PTI 02-0988, Additional Special Terms and Conditions (A): "... Particulate emissions from P002 and P003 shall be controlled by fabric filter baghouses."

- c. PTI 02-0988, Additional Special Terms and Conditions (C)(1), Operational Restrictions: "Slag processed in the equipment covered by this permit shall be from electric furnaces...."
 - d. PTI 02-0988, Additional Special Terms and Conditions (C)(2), Operational Restrictions: "The collection efficiency of the air pollution capture hoods on emissions unit P003 shall be sufficient to minimize or eliminate visible particulate emissions of fugitive dust at all points of capture. This shall include: two-deck screener, all belt conveyor transfer points, bucket elevator transfer points, storage silos and weigh bins. The permittee shall maintain all hoods and enclosures in good operating condition. Additional capture hooding or enclosures shall be installed if required by the Ohio EPA."
 - e. PTI 02-0988, Additional Special Terms and Conditions (C)(3), Operational Restrictions: "The air pollution control system on emissions unit P003 shall be operated with sufficient volumetric flow rate to minimize or eliminate visible particulate emissions at the point(s) of capture to the extent possible with good engineering design."
 - f. PTI 02-0988, Additional Special Terms and Conditions (E)(2), Testing Requirements: "Compliance with the visible emission requirements of this permit shall be determined by U.S. EPA Reference Method 22 (Emissions Unit F009) and Reference Method 9 (Emissions Units F010, P002 and P003).
 - g. Permits to Operate (PTOs) for P002 and P003 issued to Performix Technologies, Ltd., January 15, 2008.
 - h. PTO's for P002 and P003, General Terms and Conditions, Scheduled Maintenance/Malfunction Reporting (I.6.): "... any scheduled maintenance or malfunction necessitating the shutdown or bypassing of any air pollution control system(s) shall be accompanied by the shutdown of this emissions unit(s) that is (are) served by such control system(s)."
2. The federally approved Ohio SIP requirements relevant to this NOV include Ohio Administrative Code (OAC) Rule:
- a. 3745-31-02(A)(1): "Except as provided in rule 3745-31-03 of the Administrative Code, no person shall cause, permit, or allow the installation of a new source of air pollutants..., without first obtaining a permit to install from the director...."
 - b. 3745-31-02(A)(2): "The owner or operator of any air contaminant source may apply for a permit to install to voluntarily limit the allowable emissions from the air contaminant source or limit the type of air contaminants authorized to be emitted from the air contaminant source. The director shall act upon such application in accordance with the requirements of rule 3745-31-05 of the Administrative Code...."
 - c. 3745-31-02(A)(3): "The transferee of any permit to install shall assume personally the responsibilities of the original permit holder-transferor...."

d. 3745-31-05(A): "The director shall issue a permit to install ... if he determines that the installation or modification and operation of the air contaminant source ... will:

(1) Not prevent or interfere with the attainment or maintenance of applicable ... ambient air quality standards; and

(2) Not result in a violation of any applicable laws ...

(3) Employ the best available technology"

e. 3745-31-05(D): "The director may impose such special terms and conditions as are appropriate or necessary to ensure compliance with the applicable laws and to ensure adequate protection of environmental quality. Special terms and conditions ... shall be federally enforceable...."

f. 3745-35-02(D)(3): "The transferee of any permit to operate shall, personally, assume the responsibilities of the original permit holder-transferor...."

g. 3745-35-02(D)(6): "The director may include such other terms and conditions as are necessary to ensure compliance with applicable air pollution control law or to gather information about ambient air quality, emission levels, or other aspects of the source operation."

3. Specific violations relevant to Harsco's operation of the 101 Tidewater Road, N.E., Warren, Ohio facility. Each violation was observed during an inspection conducted by EPA in April, 2010.

a. Harsco failed to control PM emissions from P002 and P003 with a fabric filter baghouse as required by PTI 02-0988, Additional Special Terms and Conditions (A).

b. Harsco failed to operate the capture hoods on emissions unit P003 such that they sufficiently minimized or eliminated visible emissions of fugitive dust at all points of capture as required by PTI 02-0988, Additional Special Terms and Conditions (C)(2).

c. Harsco failed to maintain all hoods and enclosures associated with P003 in good operating condition as required by PTI 02-0988, Additional Special Terms and Conditions (C)(2).

d. Harsco failed to operate the air pollution control system on P003 with sufficient volumetric flow rate to minimize or eliminate visible particulate emissions at the point(s) of capture to the extent possible with good engineering design as required by PTI 02-0988, Additional Special Terms and Conditions (C)(3).

e. Harsco failed to evaluate compliance with the visible emission requirements of PTI 02-0988 and the PTOs for P002 and P003 using U.S. EPA Reference Method 22 and/or Reference Method 9, as required by PTI 02-0988, Additional Special Terms and Conditions (E)(2), and PTOs for P002 and P003, Special Terms and Conditions E.1. This violation was identified by reviewing Harsco's response to an information request issued

by EPA September 7, 2010; which indicated that Harsco currently has no individual certified to perform the required reference methods at the facility.

- f. Harsco failed to shutdown P002 and/or P003 'during scheduled maintenance or malfunction necessitating the shutdown or bypassing of any air pollution control system associated with the respective emissions units' as required by PTOs for P002 and P003, General Terms and Conditions, Scheduled Maintenance/Malfunction Reporting, I.6.
4. The violations identified in paragraph 3 of this NOV are violations of the terms and conditions of PTI 02-0988, general terms and conditions of the PTOs for P002 and P003, and the Ohio SIP subject to enforcement action under Section 113 of the CAA. 40 C.F.R. § 52.23.

Environmental Impact of Violations

- 5.. Failure to comply with the terms and conditions identified in paragraph 3 of this NOV increases public exposure to unhealthy particulate matter. Particulate matter, especially fine particulate, contributes to respiratory problems, lung damage and premature deaths.
6. Failure to comply with the terms and conditions identified in paragraph 3 of this NOV can also increase public exposure to certain metals which can lead to additional respiratory problems.

Date

12/30/2010

William L. MacDowell for
Cheryl L. Newton

Director

Air and Radiation Division

CERTIFICATE OF MAILING

I, Deborah Karim, certify that I sent a Notice of Violation, No. EPA-5-11-OH-05, by Certified Mail, Return Receipt Requested, to:

Michael L. Evelhoch
CPA, VP and Controller
Harsco Minerals International, LLC
5000 Ritter Road
Suite 205
Mechanicsburg, Pennsylvania 17055

I also certify that I sent copies of the Notice of Violation by first-class mail to:

Ed Fasko, NEDO

Robert Hodanbosi, OEPA

Brian DiYorio
Plant Manager
Harsco Minerals International
101 Tidewater Road, NE
Warren, Ohio 44483

on the 30th day of December 2010.



Deborah Karim
Office Automation Intern
Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER:

7009 1680 cccc 7660 8213